

**U.S. District Court
Northern District of New York – Main Office (Syracuse) [NextGen CM/ECF
Release 1.2 (Revision 1.2)] (Syracuse)
CIVIL DOCKET FOR CASE #: 5:17-cv-00506-BKS-TWD**

Long et al v. United States Immigration and Customs
Enforcement
Assigned to: Judge Brenda K. Sannes
Referred to: Magistrate Judge Therese Wiley Dancks
Cause: 05:552 Freedom of Information Act

Date Filed: 05/09/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Susan B. Long

represented by **Ramona Houck**
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Plaintiff

David Burnham

represented by **Ramona Houck**
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V.

Defendant

**United States Immigration and
Customs Enforcement**

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Date Filed	#	Docket Text
05/09/2017	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF: against United States Immigration and Customs Enforcement (Filing fee \$400 receipt number 0206-4008331) filed by Susan B. Long, David Burnham. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet)(khr) (Entered: 05/10/2017)
05/10/2017	<u>2</u>	Summons Issued as to United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> as to US Attorney, # <u>2</u> as to Attorney General)(khr) (Entered: 05/10/2017)
05/10/2017	<u>3</u>	G.O. 25 FILING ORDER ISSUED: All conferences are conducted by telephone. Plaintiffs attorney will initiate the call (unless the Court directs differently) and shall contact Judge Dancks Chambers at 315-234-8618(a dedicated line solely for telephone conferences) once all parties are on the line. Counsel may use a teleconferencing service for assistance initiating conference calls to the Court. For cases involving pro se parties, the Court will initiate the call for the Rule 16 Conference. Pro se parties are instructed to provide the Court with a telephone number where they may be reached for a conference call. Initial Conference set for 8/9/2017 10:00 AM in Syracuse before Magistrate Judge Therese Wiley Dancks. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 8/2/2017. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (khr) (Entered: 05/10/2017)
05/12/2017	<u>4</u>	AFFIDAVIT of Service for Summons, Complaint, Filing Order served on U.S. Immigration and Customs Enforcement; Civil Process Clerk, U.S. Attorney for the Northern District of New York; U.S. Attorney General Jeff Sessions on 5/11/2017, filed by David Burnham, Susan B. Long. (Keegan, Terence) (Entered: 05/12/2017)
05/12/2017	<u>5</u>	SUMMONS Returned Executed by Susan B. Long, David Burnham. United States Immigration and Customs Enforcement served on 5/11/2017, answer due 6/1/2017. (Keegan, Terence) (Entered: 05/12/2017)
05/17/2017	<u>6</u>	NOTICE of Appearance by Charles E. Roberts on behalf of United States Immigration and Customs Enforcement (Attachments: # <u>1</u> Certificate of Service)(Roberts, Charles) (Main Document 6 replaced on 5/17/2017) (khr,). (Entered: 05/17/2017)
05/17/2017		CLERK'S CORRECTION OF DOCKET ENTRY re <u>6</u> Notice of Appearance. The original Notice of Appearance was not in proper pdf format. Replaced with pdf document. (khr) (Entered: 05/17/2017)
05/24/2017		***Answer due date updated for United States Immigration and Customs Enforcement answer due 7/10/2017. (khr) (Entered: 05/24/2017)
06/07/2017	<u>7</u>	ANSWER to <u>1</u> Complaint, by United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Certificate of Service)(Roberts, Charles) (Entered: 06/07/2017)
07/24/2017	<u>8</u>	CIVIL CASE MANAGEMENT PLAN by David Burnham, Susan B. Long. (Keegan, Terence) (Entered: 07/24/2017)
07/24/2017	<u>9</u>	CERTIFICATE OF SERVICE by David Burnham, Susan B. Long re <u>8</u> CIVIL CASE MANAGEMENT PLAN (Keegan, Terence) (Entered: 07/24/2017)
08/09/2017		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Initial Pretrial Conference held on 8/9/2017. Appearances: Ramona Houck, Esq. and Terrence Keegan, Esq. for Plaintiff; AUSA Charles Roberts for Defendant. In

		lieu of scheduling order, Court sets joinder of parties and amendment of pleadings deadlines, as well as a motions schedule. A separate order will follow. Plaintiff to file status report by 9/8/2017 as to status of any settlement discussions. (Digitally Recorded) (sg) (Entered: 08/09/2017)
08/09/2017	<u>10</u>	TEXT ORDER: At the 8/9/2017 Telephonic Initial Conference, the Court issued the following deadlines: Amended Pleadings due by 9/29/2017. Joinder of Parties due by 9/29/2017. Defendant to file motion for summary judgment by 10/13/2017. Plaintiffs to file combined cross-motion for summary judgment and opposition to Defendant's motion by 11/13/2017. Defendant to file combined Reply to its motion and opposition to Plaintiffs' cross-motion by 12/13/2017. Plaintiffs' reply in support of their cross-motion due 1/12/2018. Plaintiffs to file Status Report on any settlement discussions by 9/8/2017. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 8/9/2017. (sg) (Entered: 08/09/2017)
09/07/2017	<u>11</u>	STATUS REPORT <i>per 10 TEXT ORDER</i> by David Burnham, Susan B. Long. (Keegan, Terence) (Entered: 09/07/2017)
09/12/2017	<u>12</u>	TEXT ORDER: Court has reviewed status report (Dkt. No. <u>11</u>) and encourages parties to continue settlement negotiations. Court is available for settlement conference at the request of the parties. Deadlines remain as previously set. (Dkt. No. <u>10</u> .) SO ORDERED by Magistrate Judge Therese Wiley Dancks on 9/11/2017. (sg) (Entered: 09/12/2017)
10/05/2017	<u>13</u>	Letter Motion from AUSA Charles E. Roberts for United States Immigration and Customs Enforcement requesting extension to motion schedule submitted to Judge Theresa Wiley Dancks . (Roberts, Charles) (Entered: 10/05/2017)
10/05/2017	<u>14</u>	TEXT ORDER: Court has reviewed <u>13</u> Letter Request for extension of motions deadlines filed by Defendant, which is granted as follows: Defendant to file motion for summary judgment by 11/8/2017. Plaintiffs to file combined cross-motion for summary judgment and opposition to Defendant's motion by 12/8/2017. Defendant to file combined Reply to its motion and opposition to Plaintiffs' cross-motion by 1/8/2018. Plaintiffs reply in support of their cross-motion due 2/8/2018. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 10/5/2017. (sg) (Entered: 10/05/2017)
11/08/2017	<u>15</u>	MOTION for Summary Judgment Motion Hearing set for 2/15/2018 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 1/29/2018 Reply to Response to Motion due by 2/5/2018. filed by United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Declaration of Marla Jones, # <u>2</u> Declaration of Catrina Pavlik-Keenan, # <u>3</u> Memorandum of Law, # <u>4</u> Statement of Material Facts, # <u>5</u> Exhibit(s) 1, # <u>6</u> Exhibit(s) 2, # <u>7</u> Exhibit(s) 3, # <u>8</u> Exhibit(s) 4) (Roberts, Charles) (Entered: 11/08/2017)
11/08/2017	<u>16</u>	CERTIFICATE OF SERVICE by United States Immigration and Customs Enforcement re <u>15</u> MOTION for Summary Judgment (Roberts, Charles) (Entered: 11/08/2017)
11/14/2017		TEXT NOTICE of Hearing on Defendant's <u>15</u> MOTION for Summary Judgment : Response to Motion due by 11/24/2017; Reply to Response to Motion due by 11/30/2017. Judge Sannes will hear the motion on submission of the papers. Once the motion has been fully briefed, and reviewed, counsel will be notified if oral argument is deemed necessary. (rjb,) (Entered: 11/14/2017)
11/15/2017		AMENDED TEXT NOTICE resetting deadlines related to the <u>15</u> MOTION for Summary Judgment in accordance with Dkt. No. 14: Plaintiffs to file combined cross-motion for summary judgment and opposition to Defendant's motion by 12/8/2017. Defendant to file combined Reply to its motion and opposition to Plaintiffs' cross-motion by 1/8/2018. Plaintiffs reply in support of their cross-motion due 2/8/2018. (rjb,) Modified on 11/15/2017 (rjb,). (Entered: 11/15/2017)
11/29/2017	<u>17</u>	Letter Motion from Terence P. Keegan for David Burnham, Susan B. Long requesting extension of time to summary judgment motion schedule submitted to Judge Therese Wiley Dancks . (Keegan, Terence) (Entered: 11/29/2017)

12/01/2017	<u>18</u>	TEXT ORDER granting <u>17</u> Letter Request. Plaintiffs to file combined cross-motion for summary judgment and opposition to Defendant's motion by 12/22/2017. Defendant to file combined Reply to its motion and opposition to Plaintiffs' cross-motion by 1/22/2018. Plaintiffs reply in support of their cross-motion due 2/22/2018. SO ORDERED by Judge Brenda K. Sannes on 12/1/17. (rjb,) (Entered: 12/01/2017)
12/22/2017	<u>19</u>	Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Declaration Declaration of Susan B. Long, # <u>2</u> Exhibit(s) Long Decl. Ex. 1, # <u>3</u> Exhibit(s) Long Decl. Ex. 2, # <u>4</u> Exhibit(s) Long Decl. Ex. 3, # <u>5</u> Exhibit(s) Long Decl. Ex. 4, # <u>6</u> Exhibit(s) Long Decl. Ex. 5, # <u>7</u> Exhibit(s) Long Decl. Ex. 6, # <u>8</u> Exhibit(s) Long Decl. Ex. 7, # <u>9</u> Exhibit(s) Long Decl. Ex. 8, # <u>10</u> Declaration Declaration of Ward J. Oliver, # <u>11</u> Statement of Material Facts Response to Statement of Undisputed Material Facts and Statement of Additional Undisputed Material Facts, # <u>12</u> Memorandum of Law Memorandum in Opposition to Defendant's Motion for Summary Judgment and In Support of Plaintiffs' Cross-Motion for Summary Judgment) (Keegan, Terence) (Entered: 12/22/2017)
12/22/2017	<u>20</u>	CERTIFICATE OF SERVICE by David Burnham, Susan B. Long re <u>19</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> (Keegan, Terence) (Entered: 12/22/2017)
01/23/2018	<u>21</u>	<i>Government's</i> Letter Motion for United States Immigration and Customs Enforcement requesting Extension of Time to File Reply submitted to Judge Hon. Brenda K. Sannes . (Roberts, Charles) (Entered: 01/23/2018)
01/24/2018	<u>22</u>	TEXT ORDER granting <u>21</u> Letter Request – Replies due 2/26/2018 and 3/1/2018. SO ORDERED by Judge Brenda K. Sannes on 1/24/18. (rjb,) (Entered: 01/24/2018)
01/26/2018	<u>23</u>	REPLY to Response to Motion re <u>19</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Declaration of Marla Jones)(Roberts, Charles) (Entered: 01/26/2018)
01/26/2018	<u>24</u>	CERTIFICATE OF SERVICE by United States Immigration and Customs Enforcement re <u>23</u> Reply to Response to Motion, (Roberts, Charles) (Entered: 01/26/2018)
03/01/2018	<u>25</u>	REPLY to Response to Motion re <u>19</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Declaration Reply Declaration of Susan B. Long, # <u>2</u> Exhibit(s) Reply Ex. 1 – Recurring FOIA request to ICE, # <u>3</u> Exhibit(s) Reply Ex. 2 – May 2017 FOIA request to ICE, # <u>4</u> Exhibit(s) Reply Ex. 3 – Disappearing Fields comparison chart, # <u>5</u> Exhibit(s) Reply Ex. 4 – ICE production detail from 12-cv-00355-WWE (D. Conn.))(Keegan, Terence) (Entered: 03/01/2018)
03/01/2018	<u>26</u>	CERTIFICATE OF SERVICE by David Burnham, Susan B. Long re <u>25</u> Reply to Response to Motion,, (Keegan, Terence) (Entered: 03/01/2018)
05/01/2018		CLERK'S CORRECTION OF DOCKET ENTRY. Dkt. No. 27 filed by AUSA Roberts removed from the docket as it was filed in error. (rjb,) (Entered: 05/01/2018)
05/07/2018	<u>27</u>	NOTICE that parties waive any potential conflict and wish to have Judge Sannes continue to preside over this matter. (Attachments: # <u>1</u> Letter)(rjb,) (Entered: 05/07/2018)
05/22/2018	<u>28</u>	NOTICE by David Burnham, Susan B. Long <i>of Withdrawal of Ramona Houck as Counsel</i> (Keegan, Terence) (Entered: 05/22/2018)
08/30/2018		TEXT NOTICE of Hearing on the <u>15</u> and <u>19</u> Motions for Summary Judgment: Motion Hearing set for 9/11/2018 at 02:30 PM in Syracuse before Judge Brenda K. Sannes. Appearances are required. (rjb,) (Entered: 08/30/2018)
09/05/2018		TEXT NOTICE OF HEARING CHANGE on the <u>15</u> and <u>19</u> Motions for Summary Judgment : Motion Hearing rescheduled for 9/18/2018 at 10:30 AM in Syracuse before Judge Brenda K. Sannes. Appearances are required. (rjb,) (Entered: 09/05/2018)

09/10/2018	<u>29</u>	NOTICE of Appearance by Ransom P. Reynolds, III on behalf of United States Immigration and Customs Enforcement (Attachments: # <u>1</u> certificate of service)(Reynolds, Ransom) (Entered: 09/10/2018)
09/18/2018		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Motion Hearing held on 9/18/2018 re: the <u>15</u> and <u>19</u> motions. Appearances: Terence Keegan, Esq. for Plaintiffs; Ransom Reynolds, AUSA for Defendant. Judge Sannes hears from counsel on the pending summary judgment motions and reserves decision. Exhibits P 1–3 marked and submitted to the Court. A written order will be issued. (Court Reporter Eileen McDonough; 10:39am–11:42am) (rjb,) Modified on 9/18/2018 (rjb,). (Entered: 09/18/2018)
09/21/2018	<u>30</u>	TRANSCRIPT REQUEST by David Burnham, Susan B. Long for proceedings held on 9/18/2018 before Judge Hon. Brenda K. Sannes.. (Keegan, Terence) (Entered: 09/21/2018)
09/25/2018	<u>31</u>	TRANSCRIPT of Proceedings: Motion Hearing held on 9/18/2018 before Judge Brenda K. Sannes, Court Reporter/Transcriber: Eileen McDonough, Telephone number: 315–234–8546. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at www.nynd.uscourts.gov . <u>Read this policy carefully.</u> If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/16/2018. Redacted Transcript Deadline set for 10/26/2018. Release of Transcript Restriction set for 12/24/2018. Notice of Intent to Redact due by 10/1/2018 (etm,) (Entered: 09/25/2018)
09/27/2018	<u>32</u>	ORDER denying <u>15</u> and <u>19</u> Motions for Summary Judgment. Signed by Judge Brenda K. Sannes on 9/27/18. (rjb,) (Entered: 09/27/2018)
09/27/2018		TEXT NOTICE OF HEARING: Telephone Conference set for 10/23/2018 at 10:30 AM before Judge Brenda K. Sannes. Plaintiff's attorney is directed to initiate the call and should contact chambers at (315) 234–8598 once all counsel are on the line. (rjb,) (Entered: 09/27/2018)
09/27/2018		TEXT NOTICE TO COUNSEL: At the telephone conference scheduled for 10/23/2018, the parties should be prepared to discuss whether they need time to attempt to reach a settlement in this case or whether further briefing should be scheduled. (rjb,) (Entered: 09/27/2018)
10/19/2018		TEXT NOTICE OF HEARING: At the request of Plaintiff's counsel, the telephone conference scheduled for 10/23/2018 is hereby rescheduled. Conference rescheduled for 11/7/2018 at 10:30 AM before Judge Brenda K. Sannes. Plaintiff's attorney is reminded to initiate the call and should contact chambers at (315) 234–8598 once all counsel are on the line. (rjb,) (Entered: 10/19/2018)
11/07/2018		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 11/7/2018. Appearances: Terence Keegan, Esq. for Plaintiff; Ransom Reynolds, AUSA for Defendant. Counsel update the Court on the status of the DC cases. Plaintiff in this action wishes to proceed with discovery at this time. Defendant requests to stay this case pending the outcome of the DC actions. Both parties are directed to file a status report by 11/19/2018 regarding any settlement negotiations that have taken place, the status of the DC cases and how related the 2017 DC case is to this action. (Court Reporter Hannah Cavanaugh; 10:30AM–10:45AM) (rjb,) (Entered: 11/07/2018)
11/19/2018	<u>33</u>	STATUS REPORT by United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> certificate of service)(Reynolds, Ransom) (Entered: 11/19/2018)
11/19/2018	<u>34</u>	STATUS REPORT <i>and Request for Rule 16 Conference and Discovery Schedule</i> by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Certificate of Service)(Keegan, Terence) (Entered: 11/19/2018)

11/20/2018	<u>35</u>	TEXT ORDER: The Court has reviewed the parties' status letters <u>33</u> and <u>34</u> , and based upon the information provided to date is disinclined to delay the proceedings in this case pending the outcome of the related cases in the District of Columbia. The Court notes that while this case is similar to the 2017 DC case, this case does raise different issues, and the Plaintiffs in the DC cases seek to have the settlement discussions there limited to the issues pending in that district. The Defendant is therefore directed to respond, by December 3, 2018, to Plaintiffs' request that the Court implement a schedule for discovery. A Telephone Conference is set for 12/6/2018 at 10:00 AM before Judge Brenda K. Sannes. Defendant's attorney is directed to initiate the call and should contact chambers at (315) 234-8598 once all counsel are on the line. SO ORDERED by Judge Brenda K. Sannes on 11/20/2018. (rjb,) (Entered: 11/20/2018)
12/03/2018	<u>36</u>	STATUS REPORT / <i>RESPONSE TO REQUEST FOR RULE 16 CONFERENCE AND DISCOVERY SCHEDULE</i> by United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> certificate of service)(Reynolds, Ransom) (Entered: 12/03/2018)
12/05/2018	<u>37</u>	STATUS REPORT / <i>Reply in Support of Request for Discovery Schedule</i> by David Burnham, Susan B. Long. (Attachments: # <u>1</u> Certificate of Service)(Keegan, Terence) (Entered: 12/05/2018)
12/06/2018	<u>38</u>	TRANSCRIPT REQUEST by United States Immigration and Customs Enforcement for proceedings held on September 18, 2018 before Judge Brenda K. Sannes.. (Reynolds, Ransom) (Entered: 12/06/2018)
12/06/2018		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 12/6/2018. Appearances: Terence Keegan, Esq. for Plaintiff; Ransom Reynolds, AUSA for Defendant. Judge Sannes hears from counsel on how they wish to proceed with this case. Plaintiff would like to do some limited discovery, Defendant would like to file supplemental declarations. Judge Sannes will allow supplemental declarations to be filed. Plaintiff's counsel will file a letter by 12/21/2018 regarding what they believe should be included in the supplemental declarations. Defendant will file the supplemental declarations by 2/15/2019. (Court Reporter Hannah Cavanaugh; 10:00AM-10:15AM) (rjb,) (Entered: 12/06/2018)